

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

MS Word Export To Multiple PDF Files Software - Please purchase license.

DATE: February 27, 2003

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA 02-0072 for a Site Development Permit (grading), and Use Permit (wall height and off-street parking modification).

PROPOSAL: Site Development Permit for grading in excess of 500 cubic yards in building sites with slopes exceeding 30%; a Use Permit to allow construction of overheight retaining walls, and a Parking Modification to allow a driveway with slopes exceeding -6%, in conjunction with construction of a single family residence.

LOCATION: 2187 Lemon Heights Drive, Santa Ana - Third Supervisorial District.

APPLICANT: Mrs. Rosario Mendez.

STAFF J. Alfred Swanek, Project Manager

CONTACT: Phone: (714) 834-2626 FAX: (714) 834-4772

SYNOPSIS: The Current Planning Services Division recommends Zoning Administrator approval of the site development and use permits, subject to the attached Findings and Conditions of Approval.

BACKGROUND:

Mrs. Mendez, the property owner, is proposing to build a single family home on a vacant site located in the Lemon Heights Area. The project will require grading in excess of 500 cubic yards to fill a portion on the front of the site, which has slopes exceeding 30%. In addition, the project will include over-height retaining walls to support a vehicular driveway, which is proposed to have a slope exceeding the maximum -6% allowed. The project will require a site development permit for grading; a use permit for over-height walls and a parking modification use permit for a steep vehicular driveway (Sections 7-9-139; 7-9-137.5(f) and 7-9-145.2 of the Orange County Zoning Code).

SURROUNDING LAND USE:

The project site is surrounded by vacant lots to the north and east. To the south and across from Lemon Heights Drive to the west, the site is surrounded by existing single family homes, all zoned 125-E4, 20,000 "Small Estates".

Direction	Land Use Designation	Existing Land Use
Project Site	125-E4, 20,000 “Small Estates”	Vacant
North	125-E4, 20,000 “Small Estates”	Vacant
South	125-E4, 20,000 “Small Estates”	Single family dwelling
East	125-E4, 20,000 “Small Estates”	Vacant
West	125-E4, 20,000 “Small Estates”	Single family dwelling

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at 300 N. Flower, at the subject site, and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to various reviewing Orange County Divisions and to the North Tustin Advisory Committee (NTAC), who unanimously approved the project (Exhibit 3). As of writing of this staff report, there are no issues raised by any Orange County Divisions.

CEQA COMPLIANCE:

A Negative Declaration (PA 990021) was previously prepared for the construction of a larger single family home at the proposed site. An examination of the current project, has resulted in the completion of an “addendum” to said Negative Declaration PA 990021, numbered Addendum PA 020072, which adequately analyzes and mitigates environmental impacts anticipated for the current project per the requirements of the California Environmental Quality Act (CEQA). Appendix A contains the recommended finding to this effect. Conditions have been recommended to address a number of the mitigation measures. The applicant has stated that they have no problems with the recommended conditions. The Initial Study concluded that implementation of the project, notably the fuel modification, would result in the loss of coastal sage scrub habitat. Per the NCCP Implementation Agreement by and between the County, State and Federal resources agencies, Condition #20 has been recommended to address Agreement requirements for payment of in-lieu fees by property owners “non-participant” in the original NCCP plan development process.

DISCUSSION/ANALYSIS:

The applicant, Mrs. Mendez, is proposing to build a new single family home on a vacant 0.68 acre site. The site has slopes over 30%, and it will require grading in excess of 500 cubic yards, therefore, approval of a site development permit will be required. In addition, the project includes retaining walls ranging in height between 9 and 14 feet high, partly located within the side yard setback where walls cannot exceed 6 feet in height; therefore construction of these walls will require approval of a use permit. At one point, the wall is exactly on the property line with the next-door neighbor and 14 feet high. While these types of retaining walls are fairly common in the area, the Zoning Administrator will be asked to make his finding that this particular over-high wall will not impact the neighborhood.

The specific wording of the required finding is that: “the location, size, design and other characteristics of the wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity”.

In order to relatively minimize the amount of grading, the proposed project has been designed with a vehicular driveway that ramps down from the street level toward the garage entrance with -12% to -16% slopes. These slopes exceed the maximum -6% permitted by the zoning code. Therefore, the project will also need approval of a parking modification from Zoning Code Section 7-9-145.2(e)(1), which states:

“(1) Whenever access is taken from a street, alley or driveway to an off-street parking area serving four (4) or less dwelling units, the driveway or other vehicular accessway shall have a maximum grade of plus fifteen percent (+15%) or minus six percent (-6%), measured from the street, alley or driveway grade along the driveway centerline, for a distance of not less than eighteen (18) feet from the street, alley or driveway right-of-way line.”

It is staff's position that Zoning Code Section 7-9-145.2(e) (5), as it could be interpreted to establish a maximum 6% grade allowed for off-street parking on a driveway, does not apply. That precise section of the Code, “...When parking is provided on a ramp, the maximum slope shall not exceed six percent (6%)”, does not state ramp OR driveway, but simply ramp.

Although the proposal does not reflect the most desirable conditions, the applicant has asserted that raising the driveway to reduce the grade will then make it impossible to meet the district height limit of 35'. Staff from Traffic Engineering did not oppose the request. The large turnaround areas for vehicles backing out of the driveway, which are to some extent a consequence of the over-high walls, improve difficulties of car movement. At the same time, it is unlikely this driveway as designed would then be used by package delivery vehicles, the fire department, other emergency vehicles, or limousines. The Orange County Fire Authority recommended in its review a generic condition (#12) that the applicant provide adequate equipment access to all portions of the house. Such a condition does not constitute approval of the access shown on the site plan.

The property owner will need to satisfy the fire department as to the means of adequately protecting life and property. What measures may be involved are not known at this time. The applicant is fully aware of this, and seeks this approval nonetheless.

Required driveway transition slope requirements from Zoning Code Section 7-9-145.2 (5) are otherwise met. These prevent an average car from “bottoming out” passing in and out of the garage and driveway.

Zoning Code Section 7-9-145.7 (“Alternatives to off-street parking regulations”) provides for alternative standards when the decision-maker is able to make a finding that:

(1) Applicable off-street parking requirements are excessive or inappropriate due to the nature of the specific use involved or because of special circumstances applicable to the property; and

(2) The proposed off-street parking facilities comply with the intent of...Section 7-9-145.1.

The operant wording of Section 7-9-145.1 is then: “It is intended that these regulations will result in the installation of properly designed parking facilities of sufficient capacity to minimize traffic congestion,

enhance public safety, generally provide for the parking of motor vehicles at locations other than on the streets, and for safe passage of pedestrians to and from parked vehicles.”

Staff believes that the Zoning Administrator may be able to find that the driveway grade standard is either excessive due to the steep nature of the lot’s frontage or, alternatively, that it is inappropriate due to a large back-up/turnaround area provided in the overall design for passenger vehicles.

The proposed project will meet all other code requirements applicable to the construction of a single family home in the E4-125, 20,000 (Small Estates) zoning district.

Subject to the ability of the decision-maker to make the necessary finding on the over-high wall’s unobjectionable neighborhood compatibility, plus recommended findings on the alternative off-street parking arrangements proposed, staff recommends approval of this project, subject to the findings and conditions of approval listed in Appendix B of this report.

RECOMMENDED ACTION:

The Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate and, subject to required findings; and
- b. Approve Planning Application PA02-0072 for a site development permit for grading and a use permit for overhigh walls and an off-street parking modification to support development of a new single family home, subject to the attached Findings and Conditions of Approval.

Respectfully submitted,

Chad G. Brown, Chief
CPSD/Site Planning Section

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant’s Letter of Explanation/Justification
2. Environmental Documentation
3. North Tustin Advisory Committee (NTAC) meeting minutes.
4. Set of Full Scale Plans (Site Plan, Floor Plans and Elevations).

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$ 245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.